

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FUMA INTERNATIONAL LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:19-CV-260
	)	1:19-CV-660
R.J. REYNOLDS VAPOR	)	
COMPANY,	)	
	)	
Defendant.	)	

**ORDER**

This matter is set for trial on November 15, 2021. Based on consideration of the record, consultation with counsel, and its extensive experience with this case over the last two years, the Court finds that time limits will be helpful in the orderly presentation of evidence and are necessary to ensure efficient use of court and juror time. The Court further finds that it will help the parties to present their cases if the rules about timing are clear. In its inherent authority and the exercise of its discretion, the Court sets the following schedule:

1. Jury selection will begin at 9:30 a.m. on Monday, November 15. We will pick at least seven jurors, eight if it does not take more time.
2. Opening statements will begin immediately after the jury is empaneled and instructed. The parties have agreed these will take no longer than 30 minutes per side. The plaintiff will be expected to call its first witness immediately upon completion of opening statements and should be ready to do so as early as late morning on Monday, November 15.

3. Each day, court will begin at 9:30 a.m. and close at approximately 5:00 p.m.  
  
There will be 15-minute breaks in the morning and afternoon and, barring a change in circumstances, a lunch break of 75 minutes. As such, there will be five hours and 45 minutes of trial time each full day.
4. The Court has evaluated the parties' proposed witness lists and proffered testimony in light of the history of this case and has taken into account the views of the parties as to trial time. The litigants have shown a tendency to distraction by peripheral matters and to expanding work to the time available regardless of import, making time limits necessary. Time limits will also encourage the litigants to confine questions of expert witnesses to appropriate areas. The parties agree that time limits will allow them to make more efficient use of the court and jury's time and to plan the presentation of their cases. Based on consideration of the record, consultation with counsel, and its extensive experience with this case over the last two years, the Court finds that time limits will be helpful in the orderly and efficient presentation of evidence and are necessary to make the best use of court resources and juror time.
5. Total trial time, which includes opening statements but excludes jury selection, preliminary instructions, closing arguments, and the Court's final instructions to the jury, will be 25 hours. The 25 hours of total trial time will be divided evenly between the plaintiff and the defendant, so each side will have 12 hours and 30 minutes. Each side will be allowed an additional 45 minutes for closing argument. These limits are subject to change if events at trial satisfy the court

that any limit is unduly restrictive. The Court does not anticipate any changes will be necessary, as the issues are more limited than in many patent cases, and this amount of time should be more than adequate. The time available may be shortened if a litigant wastes court time.

6. The parties are expected to have witnesses on hand when needed. Any time spent waiting on a witness or resulting in an early recess is charged against the party calling that witness. If a bench conference or hearing outside the jury's presence is required on an evidentiary point, the time will be charged to the party losing the evidentiary argument.
7. The evidence should conclude no later than Friday, November 19, allowing closing arguments, final instructions, and deliberations to take place on Monday, November 22.

**SO ORDERED**, this the 3rd day of November, 2021.

  
UNITED STATES DISTRICT JUDGE